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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,832	03/09/2004	Chin-Ching Hsien	J5P4015-GFP-922452	1235
46691	7590	10/17/2005		
CHIN-CHING HSIEN 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, TAIWAN			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/795,832

Applicant(s)

HSIEN, CHIN-CHING

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 4, lines 6-7, the term "first knife portion 1" should be replaced with "first knife portion 12".

Appropriate correction is required.

### ***Claim Objections***

2. Claims 1 and 4 are objected to because of the following informalities: The phrases "being installed on" and "being installed with" are not correctly used. For example the phrase "two pivotal portions being installed on the cutting portion" is incorrect. This phrase leads one to believe that the cutting portion and the two pivotal portions are separate structures when, in fact, they are one in the same. The phrase should be replaced with "the cutting portion having two pivotal portions". All other phrases featuring the terms "being installed" should be re-written. On lines 2-3 of claim 4, the phrase "for cutting one of steel ropes and steel ropes" is assumed to be a typo. The phrase must be re-written in the next response. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrell (3,883,951) see page 5 of this Office action for examiner added reference numerals.

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In regards to claim 1, Farrell discloses the same invention including clippers including a cutting portion (13) and a handle portion (23), a plurality of screwing units for fixing the cutting portion with the handle portion (*two sets of 21 and 24*), two pivotal portions being installed on the cutting portion (25 and 26), a front end of each pivotal portion being installed with a first flat knife portion symmetrically arranged (11 and 12), a rear end of each pivotal portion being installed with a second semi-round knife portion symmetrically arranged (16a and 17a), a rear end of each second knife portion being extended with a third cambered knife portion (16 and 17).

In regards to claims 2-4, the apparatus disclosed by Farrell is perfectly capable of performing the intended uses of: the first knife portion serves for cutting steel strips, the second knife portion serves for cutting cables, and the third knife portion serves for cutting steel ropes. It is clear that the apparatus of the instant application could be used to cut other objects (i.e. tree branches), therefore, the subject matter in claims 2-4 are intended uses of the disclosed invention that are capable of being performed by Farrell.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson, Sundman, Carlson, Hollenbeck, Veith et al., Hardt, La Pointe, Hsieh, Chang, Lowe, Sr. et al. ('354), Yang, and Lowe, Sr. et al. ('935).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 07, 2005

A handwritten signature in black ink, appearing to read "Jason Prone", written in a cursive style.

Patent Examiner  
Jason Prone  
Art Unit 3724  
T.C. 3700

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